

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:06-CR-58
)	(VARLAN/GUYTON)
JAMES ALAN CARR,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter came before the Court for a scheduled status conference. The Defendant has previously received treatment at the Medical Center for Federal Prisoners in Springfield, Missouri, (“the FMC”) pursuant to orders of this Court in an effort to restore the Defendant’s competency. [Docs. 35-47]. The Defendant was declared competent on May 19, 2008, but before the Defendant could be sentenced, his competency lapsed. Pursuant to the Defendant’s motion [Doc. 51], the Court ordered the Defendant be committed for further evaluation and treatment on September 17, 2008. [Doc. 55]. The parties appeared for a hearing on December 16, 2008, to address the status of the evaluation and treatment. Assistant United States Attorney Tracy L. Stone was present representing the Government. Attorney Elizabeth Barger Ford was present representing the Defendant, who not present.

The Defendant was delivered to the FMC on November 20, 2008. At the hearing the parties did not know the exact date of the Defendant’s discharge or his return to the Eastern District of Tennessee. As a result, the Court scheduled a status conference for **January 23, 2009, at 11:00 a.m.** Since the hearing, the Court has learned that the Defendant was scheduled to be discharged

from the FMC on December 17, 2008, and his transportation back to the Eastern District of Tennessee should begin shortly thereafter. Both parties have been made aware of the Defendant's status. The Court expects that the Defendant will be returned to this district before the scheduled status conference, and if the Defendant is in this district by January 23, 2009, the status conference will be converted to a competency hearing.

As a result of the above reviewed events, the Court finds that time is of the essence in this matter. To avoid a continued cycle of competency being restored but lapsing before sentencing can be conducted, the Court urges the United States Marshal Service and others involved in the Defendant's transportation to **TRANSPORT THE DEFENDANT TO THIS DISTRICT AS QUICKLY AS POSSIBLE.**

In summary,

1. A status conference is set for **January 23, 2009, at 11:00 a.m.**, but if the Defendant has returned to the Eastern District of Tennessee by that time, the conference will be converted to a competency hearing, and
2. Upon the Defendant's discharge, he should be returned to this District as quickly as possible.

IT IS SO ORDERED

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge